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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,595	03/12/2001	Qiming Chen	10005120-1	1908

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EXAMINER

JACOBS, LASHONDA T

ART UNIT PAPER NUMBER

2157

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,595

Applicant(s)

CHEN ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121.
 - I. Claims 1-8, and 13-20, drawn to a method of communicating between a client computer process and an agent computer program having an embedded web server etc., classified in class 709, subclass 203.
 - II. Claims 9-12, drawn to a method of communicating between at least two dynamic agent computer programs etc., classified in class 709, subclass 317.
2. The inventions are distinct, each from one another because of the following reasons:

Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
3. During a telephone conversation with Howard Boyle on Wednesday, May 19, 2004, a provisional election was made without traverse to prosecute the invention Dynamic Agent with Embedded Web Server and Mark Up Language Support for E-Commerce Automation claims 1-8, and 13-20. Affirmation of this selection must be made by applicant in replying to this Office

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Action. Claims 9-12 are withdrawn from further consideration by the examiner, 37 CFR

1.142(b), as being drawn to a non-elected invention.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: note reference numeral 14 on page 7, lines 29 and reference numeral 208 on page 8, line 21. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: not reference numeral of Figure 2. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lange et al (hereinafter, "Lange", 6,163,794).

As per claim 1, Lange discloses a method of communicating between a client computer process and an agent computer program having an embedded web server comprising the steps of:

- (a) receiving a request for at least one web page associated with the agent computer program (col. 18, lines 44-60); and
- (b) in response to the request, using the web server to provide the requested web page for use by the client computer process to receive information from the agent computer program or to issue an instruction to the agent computer program (col. 18, lines 44-60).

As per claim 13, Lange discloses an agent computer program comprising:

- (a) a mechanism for enabling communication between the agent computer and at least one other computer process (col. 12, lines 20-45 and col. 18, lines 44-60); and
- (b) an inter-agent communication mechanism for enabling the agent computer program to communicate with other agents; wherein the inter-agent communication mechanism employs documents written in a predetermined markup language (col. 8, lines 39-44 and col. 18, lines 44-60).

As per claim 2, Lange further discloses:

- using the web server to provide the requested web page for use by the client computer process to issue an instruction to the agent computer program (col. 14, lines 48-57, col. 17, lines 19-34 and col. 18, lines 44-60); and
- modifying the behavior or status of the agent computer program based on the instruction (col. 18, lines 44-67 and col. 19, lines 1-4).

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As per claim 3, Lange further discloses:

- the client process initiating contact with the agent computer program by utilizing a web address of at least one web page of the agent computer program (col. 18, lines 44-60).

As per claim 4, Lange further discloses:

- the agent computer program initiating contact with the client computer process by specifying a web address associated with the client process (col. 18, lines 44-67 and col. 19, lines 1-4); and
- agent computer program requesting approval of the client computer process for a proposed action by the agent computer program (col. 9, lines 42-53).

As per claims 5 and 17, Lange discloses:

- wherein the agent computer program includes a profile web page for providing static information associated with the agent computer program (col. 12, lines 20-45).

As per claims 6 and 18, Lange discloses:

- wherein the agent computer program includes a status web page for providing dynamic information associated with the agent computer program (col. 12, lines 20-45 and col. 18, lines 44-60).

As per claims 7 and 19, Lange discloses:

- wherein the agent computer program includes an instruction web page for receiving at least one instruction from the client computer process (col. 12, lines 20-45 and col. 18, lines 44-60).

As per claims 8 and 20, Lange discloses:

- wherein the method is utilized by dynamic agent computer program in an automated electronic commerce infrastructure (col. 8, lines 57-65).

As per claim 14, Lange discloses:

- a web server embedded in the agent computer program for using a predetermined Internet communication protocol to communicate with the computer process; wherein the web server process incoming and outgoing data that is formatted according to the predetermined Internet communication protocol (col. 14, lines 48-57 and col. 17, lines 19-50); and
- at least one web page associated with the agent computer program for use by a computer process to communicate information therewith (col. 18, lines 44-60).

As per claim 15, Lange discloses:

- wherein predetermined Internet communication protocol is the Hypertext Transport Protocol (HTTP) (col. 18, lines 49-53).

As per claim 16, Lange discloses:

- wherein the predetermined markup language is the extensive markup language (XML) (col. 8, lines 39-44).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,163,794 to Lange et al

U.S. Pat. No. 6,604,135 to Rogers et al

U.S. Pat. No. 6,691,151 to Cheyer et al

U.S. Pat. No. 6,735,632 to Kiraly et al

U.S. Pat. No. 6,539,416 to Takewaki et al

U.S. Pat. No. 6,292,830 to Taylor et al

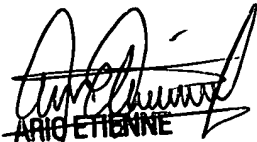
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
May 21, 2004


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